

HOUSE BILL 1081

By Hall

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 62, Chapter 76 and Title 63, Chapter 1,
relative to occupational licensing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Licensing Independence for Future Tennesseans Act" or "LIFT Act".

SECTION 2. Tennessee Code Annotated, Title 62, Chapter 76, is amended by adding the following language as a new part:

62-76-301. As used in this part:

(1) "License" means a license, certificate, registration, certification, permit, or other similar document for the purpose of entry into, or regulation of, an occupational or professional group;

(2) "Licensing authority" means any state regulatory board, commission, council, agency, or committee in the executive branch of state government established by statute or rule that issues a license;

(3) "Resident" has the meaning given in § 2-2-122; and

(4) "Scope of practice" means the procedures, actions, processes, and work that a person may perform under a license issued in this state.

62-76-302.

(a) A licensing authority shall issue a license to a person upon application if all of the following apply:

(1) The person currently holds a current and valid license in another state within a similar scope of practice as determined by the licensing authority in this state;

(2) The person has held a valid license in another state for at least one (1) year prior to the date of application for a license in this state;

(3) The licensing authority in the other state required the person to pass an examination, or to meet education, training, or experience standards;

(4) The person previously passed an examination required for the license, if required by the other state;

(5) The person has not had a license revoked and has not voluntarily surrendered a license in another state while under investigation for unprofessional conduct;

(6) The person has not been disciplined by another licensing authority. If another jurisdiction has taken disciplinary action against the person, then the licensing authority shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, then the licensing authority may suspend the application process or deny the license until the matter is resolved;

(7) The person does not have an investigation pending before another licensing authority in another state. If an applicant has an investigation pending relative to the license sought, then the licensing authority may suspend the application process or deny the license until the investigation is resolved;

(8) The person pays all applicable fees; and

(9) The person does not have a disqualifying criminal history as determined by the licensing authority.

(b) Except as provided in subsection (a), a licensing authority that administers an examination on laws of this state as part of its license application requirement may require an applicant to take and pass an examination specific to the laws of this state.

(c) A person who is licensed pursuant to this section is subject to the laws regulating the person's practice in this state and is subject to the licensing authority's jurisdiction.

(d) This part does not prevent a licensing authority from entering into a reciprocity agreement with another state or jurisdiction. A reciprocity agreement established with another state or jurisdiction supersedes this part.

(e) This part does not prevent a licensing authority from entering into an interstate compact with other states or jurisdictions. An interstate compact established with another state or jurisdiction supersedes this part.

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following language as a new part:

63-1-701. As used in this part:

(1) "License" means a license, certificate, registration, certification, permit, or other similar document for the purpose of entry into, or regulation of, an occupational or professional group;

(2) "Licensing authority" means a state regulatory board, commission, council, agency, or committee in the executive branch of state government established by statute or rule that issues a license;

(3) "Resident" has the meaning given in § 2-2-122; and

(4) "Scope of practice" means the procedures, actions, processes, and work that a person may perform under a license issued in this state.

63-1-702.

(a) A licensing authority shall issue a license to a person upon application if all of the following apply:

(1) The person currently holds a current and valid license in another state within a similar scope of practice as determined by the licensing authority in this state;

(2) The person has held a valid license in another state for at least one (1) year prior to the date of application for a license in this state;

(3) The licensing authority in the other state required the person to pass an examination, or to meet education, training, or experience standards;

(4) The person previously passed an examination required for the license if required by the other state;

(5) The person has not had a license revoked and has not voluntarily surrendered a license in another state while under investigation for unprofessional conduct;

(6) The person has not been disciplined by another licensing authority. If another jurisdiction has taken disciplinary action against the person, then the licensing authority shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, then the licensing authority may suspend the application process or deny the license until the matter is resolved;

(7) The person does not have an investigation pending before another licensing authority in another state. If an applicant has an investigation pending relative to the license sought, then the licensing authority may suspend the application process or deny the license until the investigation is resolved;

(8) The person pays all applicable fees; and

(9) The person does not have a disqualifying criminal history as determined by the licensing authority.

(b) Except as provided in subsection (a), a licensing authority that administers an examination on laws of this state as part of its license application requirement may require an applicant to take and pass an examination specific to the laws of this state.

(c) A person who is licensed pursuant to this section is subject to the laws regulating the person's practice in this state and is subject to the licensing authority's jurisdiction.

(d) This part does not prevent a licensing authority from entering into a reciprocity agreement with another state or jurisdiction. A reciprocity agreement established with another state or jurisdiction supersedes this part.

(e) This part does not prevent a licensing authority from entering into an interstate compact with other states or jurisdictions. An interstate compact established with another state or jurisdiction supersedes this part.

SECTION 4. For the purpose of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on July 1, 2021, the public welfare requiring it.